

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION

MONTANA ENVIRONMENTAL
INFORMATION CENTER,

Plaintiff,

vs.

U.S. OFFICE OF SURFACE
MINING ET AL,

Defendants,

and

SIGNAL PEAK ENERGY, LLC,

Defendant-Intervenor.

Case No. CV-15-106-M-DWM

JUDGMENT IN A CIVIL CASE

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came before the Court for bench trial, hearing, or determination on the record. A decision has been rendered.

IT IS ORDERED AND ADJUDGED IT IS ORDERED that Montana Elders for a Livable Tomorrow and Montana Chapter of the Sierra Club are DISMISSED FOR LACK OF STANDING.

IT IS FURTHER ORDERED that Plaintiffs Motion for Summary Judgment (Doc. 40) is GRANTED IN PART and DENIED IN PART as follows:

1. The motion is DENIED as to Count I of the Complaint.
2. The motion is GRANTED as to Count II of the Complaint.
3. The motion is GRANTED as to Count III of the Complaint.
4. The motion is GRANTED as to Count IV of the Complaint.
5. The motion is DENIED as to Count V of the Complaint.
6. The motion is DENIED as to Count VI of the Complaint.
7. The motion is DENIED as to Count VII of the Complaint.

Defendants' Motions for Summary Judgment (Docs. 48, 51) are correspondingly GRANTED and DENIED.

IT IS FURTHER ORDERED that the Mining Plan EA is VACATED and SET ASIDE, and this matter is REMANDED to the Enforcement Office for further action consistent with this Order. Although this Order does not mandate the preparation of an EIS, an EIS may be required under NEPA.

IT IS FURTHER ORDERED that mining of the federal coal within the Amendment 3 permit boundary, *see* AR 021298-99, is ENJOINED pending compliance with NEPA.

Dated this 14th day of August, 2017.

TYLER P. GILMAN, CLERK

By: /s/ Annie Puhrmann
Annie Puhrmann, Deputy Clerk